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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,704	09/12/2003	Christopher R. Reamsnyder	H0002683	8240

7590 03/25/2005

Honeywell International Inc.
Law Department, Patent Services
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EXAMINER	
HOPKINS, ROBERT A	
ART UNIT	PAPER NUMBER
1724	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

82✓
Application No.

10/661,704

Applicant(s)

REAMSNYDER ET AL.

Examiner

Robert A Hopkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9-12-03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 10,12,25,33,35,29,26,28,56,125. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. A restriction sensor which is critical or essential to the practice of the invention, but not included in the claims is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Examiner

noted that every apparatus claim includes a restriction sensor. Examiner respectfully submits that because the restriction sensor is a critical aspect of the function of the fuel filter element, claim 15 is required to include limitations to a restriction sensor. Claim 16 depends on claim 15 and hence is also rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Moscaritolo et al(6852216).

Moscaritolo et al teaches a fuel filter assembly comprising a housing(850) comprising a base(858) and cover(862,864,866), the housing having an inlet and an outlet, a filter element(2) disposed within the housing, the filter element having a collar(9) with an opening formed therethrough, and a restriction sensor(860) comprising a probe for insertion into the collar. Moscaritolo et al further teaches wherein the restriction sensor comprises a display face and a moveable needle operatively attached

to the display face for displaying output from the sensor(note use of a similar mechanism configured to indicate an out of range of the fluid; column 9 lines 50-51).

Claims 11-14 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Moscaritolo et al(6852216).

Moscaritolo et al teaches a method of monitoring restriction in a fuel filter comprising the steps of sensing fluid pressure inside of a fuel filter element, sensing fluid pressure outside of the fuel filter element and comparing it to the inside pressure to determine a pressure differential, and displaying a visual warning when the pressure differential exceeds a predetermined limit(column 9 lines 28-39, lines 47-51).

Moscaritolo et al further teaches wherein the visual warning is displayed on the face of a gauge(note use of a similar mechanism configured to indicate an out of range of the fluid; column 9 lines 50-51). Moscaritolo et al further teaches wherein the visual warning is displayed by activating a warning signal within a vehicle(note central computer; column 9 lines 45-46). Moscaritolo et al further teaches wherein the filter element has an end cap(9) with a hollow opening formed therethrough, and wherein the pressure inside the filter element is sensed by a sensor on a probe(860) which has been inserted through the hollow opening of the end cap.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 11 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Whiting et al(3216571)..

Whiting et al teaches a method of monitoring restriction in a fuel filter comprising the steps of sensing fluid pressure inside of a fuel filter element, sensing fluid pressure

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outside of the fuel filter element and comparing it to the inside pressure to determine a pressure differential, and displaying a visual warning(indicator pin 30) when the pressure differential exceeds a predetermined limit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moscaritolo et al(6852216).

Moscaritolo et al teaches all of the limitations of claim 3 but is silent as to wherein the housing cover has a threaded opening formed therein, and the restriction sensor comprises a threaded base portion which fits inside of the threaded opening in the housing. Moscaritolo et al teaches a sensor which is adapted to be snapped into the collar, however threaded connections between components are very well known, therefore it would have been obvious to someone of ordinary skill in the art at the time of the invention to substitute a threaded connection for a press fit connection so that the sensor can be easily inserted and removed from the housing. Moscaritolo et al further teaches wherein the restriction sensor comprises an electronic pressure sensor. Moscaritolo et al further teaches wherein the restriction sensor comprises a first

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pressure sensor for sensing fluid pressure outside the filter element, and a second pressure sensor for sensing pressure inside the filter element.

Allowable Subject Matter

Claims 6-10 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 6 recites "each of said end caps having a respective opening formed centrally therethrough, one of said end caps having a raised collar surrounding said opening". Moscaritolo et al teaches an end cap(9), but does not teach one of said end caps having a raised collar surrounding said opening. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide one of said end caps having a raised collar surrounding said opening because Moscaritolo et al does not teach such a modification. Claims 7-10 depend on claim 6 and hence are also allowed.

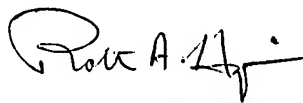
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rah
March 18, 2005


ROBERT A. HOPKINS
PRIMARY EXAMINER
A.U. 1724